

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DOROTHY SIZEMORE

COMPLAINANT

vs.

LICKING VALLEY RURAL ELECTRIC COOPERATIVE

DEFENDANT

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) CASE NO. 95-581
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O R D E R

Complainant, Dorothy Sizemore, filed with the Commission motions to admit into evidence the following documents:

1. business records obtained from the files of Licking Valley Rural Electric Cooperative Corporation ("Licking Valley");
2. transcripts of depositions of Arnold Fletcher, Dorothy Sizemore, Dian Sizemore, Tom Conley, Larry Easterling, Bill Duncan, Lloyd Fletcher, Marilyn Brown, and Scott Terrill;
3. medical records of Kentucky River Community Care, Dr. Aaron Jonan, Dr. Price Sewell and Dr. Paul Maddox;
4. weather records of the National Weather Service in Jackson, Kentucky; and
5. ten items listed on a exhibit list for use at the hearing.

None of the motions disclose how the foregoing documents are relevant to any issue pending in this case or why the documents should be admitted prior to the hearing, rather than at the hearing.

Based on a review of the motions and the foregoing documents, and being otherwise sufficiently advised, the Commission finds that the business records of Licking Valley are sufficiently reliable and eligible to be admitted into evidence. The depositions were taken in a pending civil action in the Breathitt Circuit Court without notice to or an opportunity for participation by the Commission. Consequently, the Commission will conditionally admit the depositions, subject to the deponents being available at the hearing to respond to questions.

The admissibility of medical records and weather records should be determined at the hearing based on a showing of relevancy. Finally, with respect to the 10 items on the exhibit list, those that appear in Licking Valley's records should be admitted, with all other items tendered at the hearing for a ruling at that time.

IT IS THEREFORE ORDERED that:

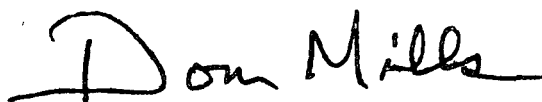
1. The business records of Licking Valley and those items on the exhibit list that appear in Licking Valley's records are admitted into evidence.
2. The depositions are conditionally admitted subject to the deponents being available for cross examination at the hearing.
3. The admissibility of the medical records, weather records, and items on the exhibit list not admitted above, shall be ruled on at the hearing.

Done at Frankfort, Kentucky, this 12th day of July, 1996.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director